

REMARKS

Claims 1, 2, 4, 5, 7, 9, and 10 are pending in this application. Applicant respectfully requests reconsideration of the pending claims in view of at least the following remarks.

I. Allowable Subject Matter

Applicant appreciates the indication of allowable subject matter in claims 2 and 10.

II. Telephone Interview

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Lee in the January 10 telephone interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

III. Rejection Under §103(a)

The Office Action rejects claims 1, 2, 4, 5, 7, 9, and 10 under 35 U.S.C. § 103(a) as having been obvious over U.S. Patent No. 5,039,579 to Kinoshita in view of U.S. Patent Application Publication No. 2003/0132315 to Nau et al. (hereinafter "Nau").¹ The rejection of claims 1, 4, 5, 7, and 9 is respectfully traversed.

Kinoshita fails to disclose "a spring member interposed between the hydrogen exhaust valve and one of the first portion and the second portion to urge the hydrogen exhaust valve directly against the other one of the first portion and the second portion," as recited in claim 1. The Office Action acknowledges that Kinoshita fails to disclose the above-recited feature. However, the Office Action asserts that Nau cures the deficiencies of Kinoshita.

Nau fails to cure the deficiencies of Kinoshita with respect to the above-recited features of claim 1. Specifically, the Office Action asserts that Nau discloses a spring member (extension or compression springs 33) interposed between the plunger (32) and the

¹ As agreed in the January 10 telephone interview, claims 2 and 10 are improperly rejected over Kinoshita and Nau (on page 2 of the Office Action). The Examiner agreed that the rejection of these claims was merely a typographical error. Thus, the Examiner meant to only reject claims 1, 4, 5, 7, and 9 under 35 U.S.C. §103(a), and not claims 2 and 10.

housing (14) to urge the plunger (32) directly against the wall (15). However, Nau merely discloses that the spring (33) reduces the gap width between chamber (16) and the surface of the plunger (32) (paragraph [0022]). Additionally, Nau discloses that there is a minimum distance between the plunger surface (34) and chamber wall (16) (paragraph [0020]). Nau does not disclose that the spring (33) urges the plunger (32) directly against the wall (15) but instead discloses that a distance always remains, however little, between the plunger (32) and wall (15). Thus, Nau fails to disclose and would not have rendered obvious the above-recited features of claim 1.

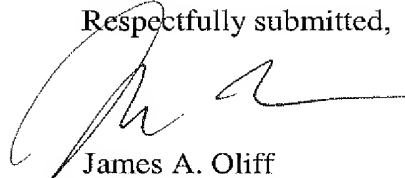
For at least these reasons, claim 1 is patentable over Kinoshita and Nau, alone or in combination. Further, claims 4, 5, 7, and 9 are patentable for at least the same reasons, as well as for the additional features recited therein. Accordingly, Applicant respectfully requests withdrawal of the rejection.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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